

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCELL JONES,

Plaintiff,

v.

B. BROWEN, et al.,

Defendants.

No. 2:22-cv-01707 KJM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner, proceeds without counsel and seeks relief under 42 U.S.C. § 1983. This matter was referred to the undersigned by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). On April 10, 2023, the undersigned screened plaintiff's complaint (ECF No. 1) and found it stated a claim against defendant Brownen under the First Amendment for retaliation and a claim against defendant Rangel under the Fourteenth Amendment for a due process violation. (ECF No. 11.) The undersigned found plaintiff's First Amendment claim against defendant Rangel and any intended claims under the Sixth Amendment were not cognizable. (*Id.*) On May 5, 2023, plaintiff filed a notice stating his election to proceed on the complaint as screened. (ECF No. 14.)

For the foregoing reasons, IT IS HEREBY RECOMMENDED the court order that this case proceeds only on plaintiff's claim against defendant Brownen under the First Amendment

1 for retaliation and plaintiff's claim against defendant Rangel under the Fourteenth Amendment
2 for a due process violation; all other claims are dismissed with prejudice.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
8 failure to file objections within the specified time may waive the right to appeal the District
9 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: May 25, 2023

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE